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PTO/SB/21 (02-09)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|----------------------|
| | | Application Number | 10/699,195 |
| | | Filing Date | 10/31/2003 |
| | | First Named Inventor | Pacioretti, Linda M. |
| | | Art Unit | 1617 |
| | | Examiner Name | Chong, Yong Soo |
| Total Number of Pages in This Submission | 24 | Attorney Docket Number | CLANACCR_001NP |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |
| The enclosed RESPONSE TO OFFICE ACTION OF JULY 29, 2009 has been corrected as directed by Examiner Yong S. Chong in his Notice of Non-compliant Amendment dated 2/27/09 (enclosed). | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------|-------------------|----------|
| Firm Name | Bionexus, Limited | |
| Signature | | |
| Printed name | John G. Babisch | |
| Date | 3/17/09 | Reg. No. |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

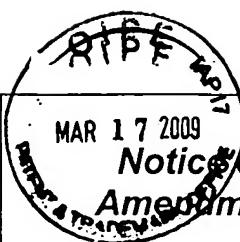
| | | |
|-----------------------|-----------------|------|
| Signature | | |
| Typed or printed name | John G. Babisch | Date |
| | 3/17/09 | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Continuation of 4(e) Other: The status identifier for claims 1-20, 25-27, 30-31, 36-38 should read "previously withdrawn". The status identifier for claims 28-29 and 39-40, which recite "withdrawn" is incorrect and should be corrected to read "original" since they are being examined.





MAR 17 2009

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

| | | |
|-----------------|-------------------|--|
| Application No. | Applicant(s) | |
| 10/699,195 | PACIORETTY ET AL. | |
| Examiner | Art Unit | |
| YONG S. CHONG | 1617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 13 November 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other _____.

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other _____.

3. Amendments to the drawings:

- A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- C. Other _____.

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- D. The claims of this amendment paper have not been presented in ascending numerical order.
- E. Other: See Continuation Sheet.

5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

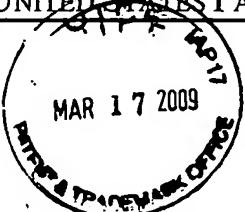
Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/YONG S. CHONG/
Primary Examiner, Art Unit 1617



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/699,195 | 10/31/2003 | Linda M. Pacioretti | CLANACCR_001NP | 4532 |
| 7590 | 02/27/2009 | | EXAMINER | |
| John G. Babisch Bionexus Limited 30 Brown Road Ithaca, NY 14850 | | | CHONG, YONG SOO | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1617 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 02/27/2009 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.